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IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,)
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA,)
Plaintiff,)
vs.) 4:05-CV-00329-TCK-SAJ
TYSON FOODS, INC., et al,)
Defendants.)

THE VIDEOTAPED DEPOSITION OF
BERNARD ENGEL, PhD, produced as a witness on
behalf of the Defendants in the above styled and
numbered cause, taken on the 15th day of January,
2008, in the City of Tulsa, County of Tulsa, State
of Oklahoma, before me, Lisa A. Steinmeyer, a
Certified Shorthand Reporter, duly certified under
and by virtue of the laws of the State of Oklahoma.

1 (Whereupon, the deposition began at
2 9:03 a.m.)

3 VIDEOGRAPHER: We are now on the Record for
4 the deposition of Dr. Bernard Engel. Today is
5 January 15th, 2008. The time is 9:03 a.m. Would 09:03AM
6 counsel please identify themselves for the Record?

7 MR. GEORGE: Robert George for defendant
8 Tyson Foods, Tyson Chicken, Tyson Poultry and
9 Cobb-Vantress.

10 MR. GRAVES: James Graves for George's 09:03AM
11 Inc., and George's Farms, Inc.

12 MR. SANDERS: I'm Bob Sanders for the
13 Cal-Maine defendants.

14 MS. SOUTHERLAND: Leslie Southerland for
15 the Cargill defendants. 09:03AM

16 MS. LONGWELL: Nicole Longwell here on
17 behalf of Peterson Farms.

18 MS. BURCH: Kelly Burch, State of Oklahoma.

19 MR. RIGGS: David Riggs, State of Oklahoma.

20 MR. PAGE: And David Page for the State. 09:03AM

21 MS. GRIFFIN: Jennifer Griffin for Willow
22 Brook Foods appearing by telephone.

23 VIDEOGRAPHER: Thank you. The witness may
24 be sworn in.

25 BERNARD ENGEL, PhD,

1 having first been duly sworn to testify the truth,
2 the whole truth and nothing but the truth, testified
3 as follows:

4 DIRECT EXAMINATION

5 BY MR. GEORGE: 09:04AM

6 Q Mr. Engel, my name is Robert George. You and
7 I met briefly before the deposition. Could you
8 state your full name for the Record, please?

9 A Certainly. Bernard Allen Engel but you can
10 call me Bernie. Most people do. 09:04AM

11 MR. PAGE: Mr. George, before we begin, can
12 I just get your agreement on the Record that the
13 objections will be reserved except as to form?

14 MR. GEORGE: Certainly.

15 MR. PAGE: Thank you. 09:04AM

16 Q Mr. Engel, who is your current employer?

17 A I'm employed at Purdue University, and in this
18 particular case by the State of Oklahoma I guess
19 indirectly.

20 Q You do understand you are appearing for this 09:04AM
21 deposition as a result of your engagement with the
22 State of Oklahoma as a consultant or an expert
23 witness?

24 A Correct.

25 Q Have you ever given a deposition before? 09:04AM

1 MR. PAGE: Before you begin your
2 questioning, Mr. George, could I have a copy of the
3 exhibit?

4 MR. GEORGE: Sure, sure. It will make its
5 way around. Do you have another one? Sorry. 10:42AM

6 MR. ELROD: Where did you put your X?

7 MR. GEORGE: Right here.

8 A Not everybody has got an X.

9 MR. ELROD: Here by the letter D, lower
10 right D, watershed? 10:42AM

11 MR. GEORGE: Correct, a little below, below
12 and to the right.

13 MR. GRAVES: It's kind of at the
14 intersection of those two.

15 MR. GEORGE: Right, right. 10:42AM

16 MR. ELROD: I know that piece of grass.

17 MR. GEORGE: Maybe you can tell us
18 something about it, John.

19 Q Mr. Engel, you recognize that in this
20 watershed, from your own analysis and information 10:42AM
21 available to you, poultry litter is not land applied
22 on every parcel but is applied on particular parcels
23 of land; correct?

24 A Yes.

25 Q Okay, and have you, sir, as the fate and 10:43AM